

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Duane L. JOHNSON *et al.*

Confirmation No.: 8933

Application No.: 10/575,528

Group Art Unit: 1794

Filed: April 2, 2007

Examiner: Dalila TOUSSAINT

For: **Production of Gluten-Free Products Using Timothy Grass**

Mail Stop Petition

Commissioner for Patents

U.S. Patent and Trademark Office

P. O. Box 1450

Alexandria, VA 22314-1450

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

The above-identified application became abandoned because of Applicants' unintentional failure to timely file a proper reply to the Office Action mailed on March 24, 2009.

Applicants hereby petition for revival of this application and include the following items:

1. Petition fee under 37 C.F.R. § 1.17(m)

[X] The Commissioner is hereby authorized to charge \$ 810.00 to Deposit Account 50-1283.
2. Proper Response
 - A. The proper response (Response to Requirement For Restriction) is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

☒ [X] Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ [] A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity of \$ _____ for other than a small entity) equivalent to the number of months from abandonment to the filing of this petition is enclosed herewith.

4. Statement. The entire delay in filing 35 U.S.C. 371(c) requirements from their due date until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

In support of Applicants' Petition to Revive, Applicants submit that the entire delay in the required reply submitted together with this petition was unintentional.

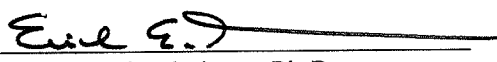
Except for issue fees payable under 37 CFR §1.18, the commissioner is hereby authorized by this paper to charge any additional fees during the pendency of this application including fees due under 37 CFR §1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-1283.

Dated: October 6, 2009

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Respectfully submitted,
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